

2009-19

>>> William Worden <WWorden@eatoncounty.org> 11/23/2010 3:57 PM >>>

I believe that the proposed rule changes governing deadlines for filing appeals would encourage finality and closure for victims of crimes. Currently, I have a motion for relief from judgment in a case from 1963. Forty-seven years after the crime was committed, the Eaton County Prosecutor's office no longer even has a file on this defendant. How can there be finality of judgment when almost half a century later, a defendant can reopen his case? In the past, I have answered motions for relief from judgment from a 1967 double-homicide committed by co-defendants. One of the victims was a gas station attendant with a wife and family. The other victim was a 19-year-old Eaton County Sheriff's Deputy with a mother, father, and siblings. The co-defendants received life sentences for their felony-murder convictions. When convicted, the co-defendants were in their early 20s. How does one explain to the victims' families that 30 years later the Courts are reconsidering the issues?

In *Hoven v Hoven*, 9 Mich App 168, 173-174; 156 NW2d 65 (1967), the Court of Appeals wrote:

There must be some stage of litigation which the parties involved can look to as final and begin to live their lives in accordance with a final determination. The defendant has had his day in court and we find no reason to have this matter continued. The language of Justice Voelker in *Knowlton v. City of Port Huron* (1959, 355 Mich 448, 456, is particularly applicable to this case and reflects the thinking of this Court. It reads:

"This claimed right to 'sue till something gives' cannot be sound law. There must be an end of litigation, and out of sheer self-defense and considerations of broad public policy our courts cannot gladly permit repeated litigation of the same old question under the circumstances appearing in this case."

The proposed changes governing deadlines for filing are fair to the defendant, the prosecutor, and the victims of crimes. The Eaton County Prosecutor's Office supports the changes.

Best Regards,
William M. Worden
Sr. Assistant Prosecuting Attorney
Eaton County Prosecutor's Office